

### **REMARKS/ARGUMENTS**

The Office Action of November 8, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 13, 19, 30 and 31 have been amended, and claims 25-29 have been canceled. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-24 and 30-31 remain in this application.

#### ***Drawings***

Applicants submit formal drawing concurrently herewith, and have labeled FIG. 2-4 as prior art as requested by the Office Action

#### ***Specification***

Applicants have amended the specification to correct the reference label of cursor 512 in the specification as requested by the Office Action.

#### ***Rejections Under 35 U.S.C. § 101***

Claims 19 - 24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons.

While Applicant disagrees with the characterization of the claims in the rejection of the claims under 35 U.S.C. § 101, Applicant has nonetheless amended claim 19 to clearly indicate that the step instructions, stored on a tangible computer readable medium, are executed by a computer. Claims 19-24 clearly articulate that, via the step, a computer achieves a useful, concrete, and tangible result, e.g., displaying the icon associated with that menu item.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1 - 8, 10 - 16, 18 - 22, and 24 stand rejected under 35 U.S.C. § 102(a) as being anticipated by ObjectDock [http://web.archive.org/web/20030803152245/http://www.Stardock.com/video/demo\\_objectdock.wmv](http://web.archive.org/web/20030803152245/http://www.Stardock.com/video/demo_objectdock.wmv), http link from wayback machine dated August 3, 2003, (hereinafter referred to as ObjectDock). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 recites, *inter alia*:

a first area containing a plurality of menu items; and  
a second area that includes an icon selected from a set of icons based on the  
location of a pointer relative to the menu items  
wherein the graphical user interface is part of an operating system shell

ObjectDock, however, is deficient for at least two reasons, each of which alone traverses the rejection. First, ObjectDock (figs. 1 and 2) only has a first area, i.e., the taskbar illustrated at the bottom of the screen. ObjectDock does not include a second area. ObjectDock only shows a single area with small and large views of the same icon. That is, ObjectDock enlarges an icon while maintaining it as viewable in the same area. Object dock does not have menu items in addition to icons, and ObjectDock does not display them in respective first and second areas.

Second, ObjectDock is not part of an operating system shell, but rather is an application program installed on top of an operating system shell. The office action contends that ObjectDock (demo, audio narration from time 00:00:07 - 00:00:09) discloses that the graphical user interface is a part of an operating system, asserting that "Object Dock is a new program from stardock that acts a both a program launcher and a task manager." However, contrary to independent claim 1, the graphical user interface disclosed in ObjectDock is merely application software provided by a third party that is downloaded by an operating system and used separately from the operating system shell. Hence, the graphical user interface of the application is not part of the operating system shell, but merely is executed by the operating system as a separate feature.

Claims 2-8, and 10-12, which ultimately depend from claim 1, are patentably distinguishable from the applied art for at least the same reasons as their ultimate base claim, and further in view of the novel features recited therein.

Claims 13 and 19 are allowable for at least similar reasons as claim 1. In addition, Applicants have amended claims 13 and 19 to clarify that the displayed icon is different from the menu item (in ObjectDock the menu item and the icon are the same), and that the icon is displayed in a distinct area of the graphical user interface from the menu item (ObjectDock displays the enlarged view of the menu item in the same location as the menu item).

Claims 14-16, 13 and 20-23, 24, which respectively depend from claims 13 and 19, are allowable over ObjectDock for at least the same reasons as their base claim, and further in view of the additional features recited therein.

Claims 25-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by KDE screenshot  
<http://web.archive.org/web/20010808190926/www.kde.org/screenshots/medium/matthiasel.jpg>  
http link from the Wayback machine dated August 8, 2002). Applicants have canceled claims 25-28, rendering this rejection moot.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 9, 30 and 31 stand rejected 35 U.S.C. § 103(a) as being unpatentable over ObjectDock in view of U.S. Patent No. 5,452,414 to Rosendahl (hereinafter referred to as Rosendahl). Applicants respectfully traverse this rejection for at least the following reasons.

Notwithstanding the propriety of combining ObjectDock and Rosendahl, Rosendahl fails to remedy the above-noted deficiencies of ObjectDock. For at least this reason, claims 9, 30, and 31 are patentably distinct from the combination of ObjectDock and Rosendahl. In addition, Applicants have amended independent claim 30 to be in a more preferred form. With respect to amended independent claim 30, the Office Action asserts that demo: fig 1 of ObjectDock discloses “a start menu divided into a plurality of sections, at least one of the sections containing only operating system specific menu items”. On the contrary, fig. 1 of ObjectDock discloses an area containing several image icons. The amended claim 30 recites that “the graphical user interface is part of an operating system shell.” Similar to claims 1, 13 and 19, the graphical user interface disclosed in ObjectDock is merely application software provided by a third party that is downloaded by an operating system and executed by the operating system. Hence, the graphical user interface of the application is not part of the operating system shell.

Claims 17 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable ObjectDock in view of U.S. Publication No. 2004/0179043 A1 to Viellescaze (hereinafter

referred to as Viellescaze). Applicants respectfully traverse this rejection for at least the following reasons.

Notwithstanding the propriety of combining ObjectDock and Viellescaze, Viellescaze fails to remedy the deficiencies of ObjectDock identified with respect to claims 14 and 19 from which claims 17 and 23 depend, respectively. For at least this reason, claims 17 and 23 are patentably distinct from the combination of ObjectDock and Viellescaze.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable KDS screenshot in view of KDE spec (<http://web.archive.org/web/2002126063201/www.kde.org/info/overview.html>), http link form the Wayback machine (<http://web.Archive.org/>) dated December 16, 2002. Applicants have canceled claim 29, rendering this rejection moot.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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Dated: February 5, 2007

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